

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Therefore, claims 1 and 3-8 are pending. Claims 1, 3 and 4 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Allowable Subject Matter

Applicants appreciate that the Examiner has indicated claims 7-8 as defining allowable subject matter.

Drawing Objections

The drawings are objected to for not specifying that Figure 3 is “Prior Art”. Although the features of Figure 3 are discussed in the Specification as being related art, the features are not considered by Applicants to qualify as “prior art”. Applicants therefore do not concede that the features of Figure 3 are statutory prior art and respectfully request that the objection to the Drawings be withdrawn.

Specification

As discussed above and as evinced by the Declaration under 37 CFR § 1.132 filed concurrently herewith, Applicants do not consider the technology represented by Figure 3 to qualify as “prior art”. Accordingly, Applicants have amended the Specification to remove the reference to Figure 3 as being “conventional”.

***Declaration under 37 CFR § 1.132/
Claim Rejections - 35 U.S.C. §103(a)***

Claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant’s Admitted Prior Art (“AAPA”) in view of U.S. Patent No. 4,455,575 to Murakoshi (“Murakoshi”) and further in view of Misawa (US Patent 6,885,402). Claim 3 stands

rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over AAPA in view of Murakoshi and further in view of U.S. Patent No. 4,810,901 to Yamada (“Yamada”). Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over AAPA in view of U.S. Patent No. 4,012,587 to Ochi et al. (“Ochi”) and further in view of Yamada.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Applicants submit the Declaration under 37 CFR § 1.132 for the Examiner’s consideration. As clearly shown by the attached English translation of the Invention Disclosure Document, from which the instant application is derived, Applicants consider Figure 3 of the instant application to be a part of the novel concepts of the present invention. Figure 3 is not prior art to the present invention, nor have Applicants admitted as such. Applicants submit that the alleged AAPA cannot be relied upon by the Examiner in the rejections of claims 1 and 3-7 and that the remaining references fail to teach or suggest one or more elements of the claims, alone or in combination.

Accordingly, Applicants submit that the claims are in condition for allowance and respectfully request that the § 103(a) rejections of the claims be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

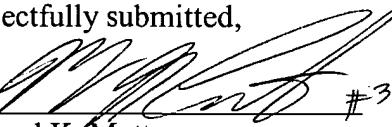
Application No. 10/620,459
Amendment dated April 30, 2008
Reply to Office Action of January 30, 2008

Docket No.: 0649-0902P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 30, 2008

Respectfully submitted,

By  #39,491
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Attachments: Declaration Under 37 CFR 1.132
Invention Report/Assignment
Invention Disclosure Document w/ English Translation